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PUBLIC AFFAIRS STAFF

Questions and Answers
with Frank Carlucci

*BEFORE House Select Committee on
ASSASSINATIONS*

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REP. LOUIS STOKES: I might say, prior to posing a question, that the committee, I'm sure, appreciates your comments with reference to the responsible manner in which this committee treated information that it had access to with your bureau.

NEWSWOMAN: This is Chairman Louis Stokes talking.

REP. STOKES: ...that we not only have access to everything we needed to know, in terms of being able to make our report to the American people, but we wanted to do it in a way that was consistent with national security and the responsibility that your agency has in terms of that.

My first question would really boil down to a sort of a bottom-line type of question. Some people have said to us that no matter how concerned we are, no matter how diligent our law enforcement agencies are, that if someone really wants to kill the President of the United States, that there's nothing that can stop that event from occurring. So I guess my basic question to you is: How effective, really, can the CIA be in terms of preventing a political assassination?

FRANK CARLUCCI: Well, obviously, I don't think you could stop every attempt to commit political assassination. But one can never tell, as I indicated in my prepared statement, how many potential assassinations, not only on Presidents, but on other officials, have been stopped because we were able to gather the information beforehand. From my own experience, I know there are a number of reports that flow in from overseas, from people who indicate intent to do this, that or the other thing against some public official. And finding this out is clearly the best way to stop it.

As I indicated in my prepared text, we do have examples of specific cases where public officials, U.S. public officials, have been saved, or at least assassination attempts have been thwarted, by the information that we provided. Obviously, I cannot go into greater detail in a public session, but I'd be prepared to do so in an executive session.

So I think my answer, the bottom line, as you say, Mr. Chairman, is that we may not be able to prevent every determined assassin, but, with continued effort, we may be able to spot some and thwart them.

REP. STOKES: Mr. Carlucci, charter legislation is now pending in both Houses of Congress that would authorize and prevent abuses of security investigations, or the use of such investigative tools as informants and wiretapping. I'd be pleased to have your comments on the best approach to follow

in working out these problems. And specifically, I would pose the question: Should the President issue an executive order subject to congressional veto? Should the Congress work out specific legislation subject to Executive Department input in this area?

CARLUCCI: Well, the Executive Branch has already taken a position on the basic issue. We favor charter legislation. We are in the process right now of developing an Executive response to a bill, S-2525, that was introduced in the Senate Select Committee on Intelligence. Since the Administration has not yet taken a position on all of the issues in that bill, it would be inappropriate for me to comment on them at this point.

But certainly the question of restrictions on electronic surveillance, restrictions on the collection of intelligence on Americans are issues which will be debated in the context of the legislation.

REP. STOKES: Thank you. I have no further questions at this time.

The gentleman from North Carolina, Mr. Preyer.

REP. RICHARD PREYER: Mr. Carlucci, it's good to have you with us today.

You have made the point that foreign intelligence is your jurisdiction in assassination matters, that you aren't to do police-type work, and that your protection of sources and methods prevent your doing that, so you have no real law enforcement role. But it is your role, I take it, to furnish the -- furnish the security intelligence to the State Department and to the Secret Service. Would that be correct?

CARLUCCI: That would be correct, sir.

REP. PREYER: What is the CIA doing to make sure that the Secret Service and the State Department is provided with intelligence information that might relate to the safety of the President traveling abroad, for example?

CARLUCCI: We have an explicit written agreement with the Secret Service which covers the kind of support we would provide, the kind of information we would furnish them.

In the case of the State Department, we work closely with the ambassadors who have basic responsibility for a visit of a very important official or the President of the United States.

I might add that the agreement that we have with the Secret Service has been translated into rather detailed and specific requirements and has been made available to all of our field stations. Since it is a classified document, I can do no more than allude to it here, but I'd be prepared to have the committee examine it at some appropriate point, should they desire.

REP. PREYER: That's an agreement with the Secret Service?

CARLUCCI: Yes, sir, it is.

REP. PREYER: Do you have a similar agreement with the State Department or with the FBI?

CARLUCCI: We don't have a similar agreement with the State Department or the FBI, simply because this refers to a specific area of responsibility, where the Secret Service has, by statute, the responsibility for doing the coordinating function. I assume that the FBI and the CI -- and the State Department would have similar agreements, but I'm not aware of them.

REP. PREYER: Doesn't the State Department have the responsibility of protecting foreign guests in this country?

CARLUCCI: I believe they do, sir.

REP. PREYER: Well, it would seem an agreement with them might be appropriate.

Well, let me ask you: Under the Secret Service agreement, do the Secret Service have a right to participate with you in deciding what information is made available to them, or do you decide what information should be made available to them?

CARLUCCI: Well, it's both. We voluntarily furnish any information that might bear on the security of a Secret Service protectee. At the same time, if there is a planned visit by one of their protectees to a given country, we would respond to their tasking. We would provide them with any information they might ask us.

REP. PREYER: Let me ask you, with respect to the FBI or the State Department, is there any specific person in the CIA that's responsible for seeing to it that they get information that might be needed in connection with the trip of a President abroad, for example?

CARLUCCI: Yes, sir, there is. We do have -- we do have an office and we do have people designated to handle this function.

REP. PREYER: Do you know whether that works in reverse? Is there somebody, specifically, that you report to in the Secret Service or in the FBI or in the State Department?

CARLUCCI: Well, usually...

REP. PREYER: Do they have a designated person that...

CARLUCCI: Usually, in the case of a particular visit, the Secret Service would get in touch with us and say that John Doe is going to handle this visit, and would you please work with him?

In the case of the FBI, of course, we have a continuing liaison on a whole range of matters, and this would be covered under that continuing liaison arrangement.

REP. PREYER: Mr. Chairman, I was going into another area. I think my time is nearly up. I'll yield back the balance of my time at this time.

REP. STOKES: The Chair recognizes the gentleman from Connecticut, Mr. McKinney.

REP. STEWART MCKINNEY: Mr. Carlucci, welcome. I'm delighted you could be here and I appreciate your efforts.

I think, Mr. Chairman, I should state before I start that any man who has to walk the tightrope of defending a free society in a very unfree world has a difficult job.

And I appreciate your job. The political whims to which the CIA, in the past -- and I underline the word past -- has been exposed to don't make your job any easier. And I fully appreciate the difficult position anyone has that has to walk that line.

We have a constant problem in the Congress, and that is to defend a free society. But how you defend it against a clandestine, quote-unquote, world -- and I'm not one who finds communists under every tree. I think we have lots of other problems besides communists.

I admire your -- I guess the modern word is cool.

One of the reasons we're sitting here, though, is that a long time ago, particularly in the case of the fascination of the President, many Americans have had a tough time putting together the fact that a Russian emigre -- and I guess that's an American Russian emigre -- who was obviously known by the CIA, known by the State Department, just for the simple fact that we weren't used to Americans going over to Russia and sort of throwing

away this country, and then coming back to it -- known of by the FBI, and, purportedly, somewhat known of by the Secret Service; that there seemed to be a total lack of communication, going back those many years, when the President was assassinated.

We're well aware on this committee, as, I think, is most of the nation, that relationships were not what you'd consider the best between the FBI and the CIA at that point. And that was, I guess, what you'd call the history of personality, or the tragedy of personality; one or the other.

My question earlier to the FBI was: Do you think that we should have a permanent liaison group between the Secret Service, the State Department, the CIA, the FBI, the Justice Department that would be on a very high level and, obviously, operate under the most secret of circumstances, but where information could be traded far more freely on -- any information about where the President might be going -- say, in your case, if it were overseas, and the State Department's; or, in this country, if it were, say -- I used the example of Miami, where we have a large newly-immigrant population with certain political problems, or anywhere else -- so that there could be mutual discussion on a high level as to whether or not the President should go there or should not go there, and so that information could be traded back and forth with more constancy between the agencies, but on a high and secret level, obviously?

CARLUCCI: I think your suggestion has merit, Congressman, and we would certainly be pleased to participate in such a group.

I might note that there is in existence right now an interagency task force to deal with the problems of terrorism. So this would be something along parallel lines.

REP. MCKINNEY: It was interesting to me that we were told that the FBI did not ordinarily express an opinion, for instance, on a domestic trip the President were to make, unless they were requested to do so by the Secret Service?

Does the Secret Service often request this type of information from you on a foreign journey?

CARLUCCI: I don't know the answer to that question offhand. Maybe one of my colleagues does.

MAN: I'm not conscious of it as a formal request in that sense. There is an exchange.

CARLUCCI: Normally we would find out about a prospective presidential visit through the National Security Council mechanism, and would be able to get our views in through that

mechanism if we had some reservations about the trip.

REP. MCKINNEY: So you can voluntarily, in other words, get your reservations involved, say, in a European trip without a specific request from...

CARLUCCI: Oh, yes.

REP. MCKINNEY: ...from the Selective [sic] Service.

CARLUCCI: No, that would not prove to be a problem.

[Asides]

CARLUCCI: As I indicated earlier, we are involved in every trip, in coordination with the Secret Service. But I think your question went to: at the time the trip is in the planning stage, can people get their views in? And we, as members of the NSC, certainly have every opportunity, through the NSC mechanism, to get our views in.

REP. MCKINNEY: I think one of the things that this committee is pledged to do, under its mandate, is to try and propose legislation, say, or ground rules or federal regulations that will bypass the basic suspicion that many Americans have about just what turns out in many cases to be the coincidental roles of people and the lack of communication on the federal level.

Just one other line, very briefly. Under 18 U.S. Code 1751H and 18 U.S. Code 351F, the FBI is the agency which investigates the crime of assassination. It provides further, and I quote, "Assistance may be requested from any federal, state or local agency. Statutes on presidential and congressional assassinations provide that the assistance may be requested, but do not require that any agency comply with such requests."

I guess the question is: Should the CIA be required to give the FBI any and all intelligence information, regardless of security classification, which is arguably relevant to the presidential assassinations or kidnapping, or not?

CARLUCCI: Well, I can't conceive of circumstances where we wouldn't supply all relevant information. We would certainly indicate to the CIA [sic] the sensitive sources involved, should there be sensitive sources involved. And we might request that they consult with us before they would -- before they'd take any moves where this information could be made public. But I cannot conceive of us not providing full information to the FBI.

REP. MCKINNEY: In other words, you're not concerned

about giving information to the FBI, but you are concerned as to what the FBI does with the information.

CARLUCCI: I think that's a fair statement. Yes, sir.

REP. MCKINNEY: Thank you very much. I see that little red light which says my five minutes is up.

REP. STOKES: The gentleman from the District of Columbia, Mr. Fauntroy.

REP. WALTER FAUNTROY: Mr. Carlucci, let me just continue with the line of questioning which Mr. McKinney has begun.

As now written, the statutes apparently permit any type of assistance to be requested from an agency. Should the request for assistance from the CIA be restricted, in any way, to guard against unwarranted agency involvement in law enforcement activities?

CARLUCCI: I shouldn't think so, Mr. Fauntroy. The Director has the statutory -- the Director of CIA, the Director of Central Intelligence has statutory responsibility, under the 1947 act, to protect sources and methods. He, therefore, should be in a position to pass judgment on how the information should be used. But I don't see how you could frame a statute that would say what kinds of information should be provided and what kinds shouldn't. I think it would be very difficult to craft.

REP. FAUNTROY: You indicated that the CIA has been effective in preventing political assassinations. I wonder if you would care to comment on any recommendations you could offer to make the CIA more effective in that area.

CARLUCCI: Well, I think, Congressman, the tone of my prepared statement pretty much covers it. And I say tone because I would emphasize that our ability to protect the people who give us information is absolutely fundamental. And no one, particularly in this kind of an area, is going to put their lives on the line if they think the information is not secure.

So, the main thing we can do really is to create a general awareness of the real importance of this problem.

REP. FAUNTROY: Would you have any recommendations on how the Secret Service might more effectively protect the President, or the State Department might more effectively protect those in their charge.

CARLUCCI: Well, I would regard that as outside my competence, Mr. Fauntroy. Suffice it to say that we have a very good working relationship with both of those organizations,

and I know of no problems that would need to be resolved.

REP. FAUNTROY: Returning for a moment to the subject OF exchange of information, what role would the National Foreign Intelligence Board play in coordinating intelligence information in the event of an assassination?

CARLUCCI: The National Foreign Intelligence Board would be one vehicle that might be used to coordinate the tasking of the different agencies. There are other vehicles.

As the intelligence community is now organized, the DCI, the Director of Central Intelligence, has the authority to levy tasking on the different intelligence agencies. So the process that I would see would be that he would make the decision as to what information needed to be collected. Those instructions would go out through the entire community. They would then come back to the agencies, who would evaluate them. And the National Foreign Intelligence Board might meet as a group to give their overall assessment and pass on the information before it was turned over to the NSC for passage to the President.

They serve more as an evaluative body than as a tasking organization.

REP. FAUNTROY: And I take it from your previous response to an earlier question, you do have pretty clear lines of communications in terms of individuals who communicate among the agencies.

CARLUCCI: I would say they're very clear. Yes, sir.

REP. FAUNTROY: What, if any, intra- or interagency procedures has the CIA adopted to share information with the FBI in the event of an assassination? I ask this question with the following situation in mind:

During the ongoing investigation, the CIA may come across a piece of information which means nothing in particular to the people running the assassination investigation, but the same information was shown to an expert in the organized crime area or an expert in the communist activities area, and its real significance became apparent.

With this in mind...[cassette turned]...be evaluated?

CARLUCCI: Well, we, under terms of the executive order, Executive Order 12036, have a responsibility to cooperate with the CIA in the counterintelligence function. I think much of the information that you were talking about would fall into the counterintelli -- cooperate with the FBI -- excuse me -- in

the counterintelligence area, and much of the information that you, I think, are referring to would fall under the category of counter-intelligence.

There is no specific agreement other than that, the responsibilities of the two respective organizations delineated in 12036. And I'd be glad to submit Executive Order 12036 for the record, because I think it may cover some of the questions that you're getting at.

REP. FAUNTROY: Mr. Chairman, I'd respectfully request that that be made a part of the record at this point. And I'd hope that the next member will pick up on this subject, as my time has expired.

REP. STOKES: Without objection, so ordered.

The Chair recognizes the gentleman from Indiana, Mr. Fithian.

REP. FLOYD FITHIAN: I'll give you one of my minutes to pursue it, if you want to.

REP. FAUNTROY: I'll get it on the next go-around.

REP. FITHIAN: Mr. Carlucci, thank you for coming today.

We had some reason to believe that the cooperation between the Agency and the Warren Commission was not as complete as it might have been, in terms of the transmittal of information. And I would like to pursue -- some of the questions have been asked here in a general sense, but I'd like to pursue specifically the question of what kind of guidelines either do you have or should we legislate, if that's a possibility, to insure the transmittal of all relevant information, either to the FBI, if they're doing the investigation, or, as in the case of the Warren Commission, when they were doing the complete review of the assassination of President Kennedy.

What would you recommend if you were either writing the guidelines for the Agency or if you were legislating actions...

CARLUCCI: Well, the CIA, of course, functions pursuant to presidential directive and works through the National Security Council. Should there be another assassination and the type of commission set up -- a type of commission set up similar to the Warren Commission, we would, obviously, take our instructions from the President and the National Security Council.

I cannot conceive, once again, of circumstances, in this day and age, where we would be less than totally forthcoming with

information to be given to such a commission. We would, of course, indicate to the commission, just as we have indicated to this committee, where sensitive sources and methods are involved and where the release of the information could cause us serious damage.

But I -- frankly, it's beyond my power to conceive of us not cooperating.

REP. FITHIAN: Well, I'm sure, if there had been some kind of committee made up of members like ourselves prior to the assassination of President Kennedy and they had talked with someone from the Agency and the question had been asked as I just asked it, the answer would have been almost the same: "that is, that we will cooperate, of course, fully; and we work with the National Security Agency, or we work under the direction of the President."

And yet it's clear that in the case of the attempts on Premier Castro, information which would have been relevant, certainly, to the Warren Commission was not transmitted.

And so I'm at somewhat of a loss. It's sort of like the fellow who never fixed his roof when it wasn't raining -- when it was raining because it wasn't a good time to work on the roof; and then when it was dry weather, they didn't need to repair the roof.

I'm not comfortable -- maybe other members of the committee are -- that we have a system that insures the kind of remitting or transmitting of information to the appropriate investigative agency, whether the Warren Commission or the FBI, of things in CIA files which do relate very specifically to and are a part -- should be a part of the whole investigative process.

And it was that that prompted my question about what specific guidelines would you recommend or -- if you were writing them for the Director or if you were on this side of the desk and you were writing the legislation. I would be interested in what kind of guidelines that -- or what kind of legislative mandate it would take to assure that this was done, and if it weren't done, someone would be punished.

CARLUCCI: If I may come at your question is a slightly different direction, Congressman. Because I think there have been a number of things that have been done which create the kind of climate where, as I said, it is inconceivable that the events of that time could repeat themselves.

In the first place, the executive order has a very clear prohibition against plotting assassinations. But that's

11

a bit beside the point.

But, secondly, we have much clearer and much more direct presidential and congressional oversight. And any kind of activities such as took place with regard to Cuba in the 1960s would be known to and signed out under a formal finding by the President. There would be some seven committees of Congress briefed, under the Hughes-Ryan Amendment. There is a new executive order, which I've just mentioned. There are orders out throughout the agency to report any wrongdoing or impropriety, both to the Director, the general counsel, the inspector general. The President has established an intelligence oversight board which is totally independent of the agency and reports directly to him, who can receive anonymously, if required, any complaints of impropriety or illegality. There are grievance and dissent mechanisms that exist now that did not exist before. There are a whole series of

There are a whole series of managerial controls which I think are very important, since what tends to happen in an intelligence organization is that information is compartmented, and what part of the organization, for security reasons, doesn't always know what another part is doing.

I think, with all these changes, it would be virtually impossible for information or activities being conducted by one part of the organization not to come to the attention of those responsible for providing information to a commission like the Warren Commission, on the other hand.

REP. FITHIAN: I ask unanimous consent to proceed for one additional kind of question, Mr. Chairman.

As one who does want a strong intelligence-gathering agency and as one who does believe that there are certain things that have to be kept secret -- and I did some work in the military in this line, and am fully aware of that -- I'm still bothered by the fact that despite all of the evolution of change that's taken place in the Agency since the assassination of President Kennedy and despite what I think has been generally good cooperation from the Agency with our staff and with our committee -- and I commend you for that -- we still have examples -- and I'll just cite one. I know this was not the area that we want talk about policy, but I think that this is examples of policy breakdowns.

When Mr. Hart came over to testify before the committee, all of the executive memoranda and the agreements and discussions and so on had taken place, clearly. And if someone just looked at the file and said, "Well, the Assassinations Committee had negotiated with the CIA on all these matters," and if no one had actually questioned what Mr. Hart had to say,

it would all have looked good on paper, except that your agency sent a person over here who expressly would not discuss the only issue that we were interested in, Lee Harvey Oswald, and said so, plainly and flat out.

And so, I'm trying hard to square what I understand is the basic guidelines that you operate by with an assurance that we can have this kind of healthy relationship between Congress and the CIA, which is so necessary, and yet is so impaired by actions like Mr. Hart's testimony before this committee. And that's why I'm asking for the very specific questions of guidelines.

I don't know whether you had anything to do with the selection of Mr. Hart and sending him down here or not. I would presume, according to your recent testimony here, that since the Agency is now thus integrated, that, as Deputy Director, it certainly would not have passed you by.

CARLUCCI: That's correct.

REP. FITHIAN: So, I guess what I'm still groping for is, you know, how do we assure that the reality is as the perception, and that we're not dealing with two different worlds: you know, a real world of certain kinds of action, and then a bureaucratic world in which the memorandum says, "Well, we do thus and so when assassinations come along."

CARLUCCI: Well, I think we must bear in mind, Congressman, that Mr. Hart was testifying in public session. And we've had an extensive dialogue with the committee on classified information.

I think that our record in providing information, not only to this committee, but to our authorizing committees, the two select committees, has established the fact that we are not trying to withhold information. To the contrary, we're very forthcoming. But we do point out, where the information is of such a sensitive nature, that it could jeopardize sources and methods, including lives.

In several instances where that's occurred with this committee, I have talked to the Chairman or we have talked to...

REP. FITHIAN: I understand all that. I was just citing the Hart case, very specifically, where this, in my judgment, clearly broke down. And I don't think that it's adequate to reflect that this is somehow of classified nature. I think that someone coming down here and talking with us as to what their best assessment was as to whether or not Lee Harvey Oswald was the kind of person that the Russian KGB would have interviewed had he been in Russia is very much to the point.

CARLUCCI: Well, perhaps -- that was not made clear to me. Perhaps we should have provided another witness for that aspect of the case. It was my understanding that Mr. Hart's testimony was to focus on what knowledge Mr. Nosenko might have had.

REP. FITHIAN: Well, it was -- if you remember, if you were involved in it, you remember there was a very lengthy, detailed memorandum from the committee that went over, and Mr. Hart was, presumably, going to respond very specifically to the issues raised in that memorandum. And that's -- we all came into the committee that day assuming that that was going to be the scenario, only to find that -- well, we might as well have been talking to somebody from GSA.

CARLUCCI: Well, I'd be glad to send somebody up to talk about the other issues if we did not cover the issues fully. And I apologize for that.

REP. FITHIAN: Thank you, Mr. Chairman. I have not further questions.

REP. STOKES: The gentleman from Connecticut, Mr. Dodd.

REP. CHRISTOPHER DODD: Mr. Carlucci, thank you for being up there today with us.

I just have a couple of questions, if I might. And I think all of us here recognize that we're talking about things that occurred in the past. And except for the fact that some of the practices may be in operation today, we're generally asking you to share with us your thoughts on what might be done to at least minimize the possibility of certain shortcomings in the past.

I'd like to focus my attention, if I could, a little bit just on this Nosenko situation, which seemed to have generated a tremendous amount of debate and discussion as to the various aspects of the handling of that particular problem. I see three areas, and there may be more, that you might be able to address your remarks to.

One had to do with the question of the handling of Nosenko, from the time that he defected through the period at which he was finally released, given the change of identity, and so forth. We received testimony that was shocking, to say the very least. I think that would be a mild way to describe it. Others who have suggested that it was not quite as bad as we were told it was.

But what is the present system that exists within the operation of the Agency in handling a defector of the Nosenko

14

type, with regard to the interrogation, the question of whether or not they are bona fide or are dispatched? Is there a system today in place in the Agency that would handle a Nosenko differently in 1978 than was handled in 1964?

CARLUCCI: Yes, sir, Congressman Dodd. There is a directive out, dated February 1967, which deals with the handling of defectors, which lays out in some considerable detail the procedures to be followed. Among those are timely status reports covering the defector's physical well-being, psychological and adjustment problems, and the like, which are distributed directly to the top management of the Operations Directorate and to the Director and myself.

And I can testify from experience since I have been in the Agency that the reports that come up on defectors are very frequent. I think -- I can recall receiving reports, certainly, every other day on some recent defectors.

And we, of course, are legally bound to taken any corrective action should there be inappropriate handling of the defectors and to report any violations of law to the Intelligence Oversight Board and to the authorizing committees on the Hill.

Also, the procedure for handling defectors now is through a task force operation. There is an interagency committee that meets to decide on the general policies for handling defectors. And the head of that committee reports directly to the Director of Central Intelligence.

Finally, the members of the different components of the intelligence community all have their requirements and all have access, at the appropriate moment, to the defector.

So, it would be virtually impossible for the kind of situation that existed in the case of Mr. Nosenko to be recreated. But we have -- the Director, in particular, has been sufficiently concerned about this so that he gave instructions shortly after his arrival that our mid-career and senior employees, in their training courses, should be made acquainted with what occurred in the Nosenko case to make certain that there are no repetitions. We have also enlarged and expanded the authority of our Office of Inspections. And as I indicated earlier, any employee in CIA can report any impropriety or wrongdoing to anyone of three people within the Agency or to the Intelligence Oversight Board outside the agency or, if they desire, to our oversight committees.

So I think there are a good number of checks and balances to prevent a repetition of this unfortunate episode.

REP. DODD: You, I think, have anticipated, in your response to my first question, my second question. And that has to do with the problem that arose as to who -- to whom had jurisdiction over Mr. Nosenko, as it pertained to any evidence he might have brought forth to the Warren Commission with regard to the activities of Lee Harvey Oswald during his, Oswald's, stay in Russia. We have the Agency saying that, well, they had in fact turned Nosenko over to the FBI. But the FBI, in a memorandum, coming back and saying, in effect, that he was not our principal responsibility because it involved an external operation, not an internal operation.

And it appeared, anyway, that as a result of that inconsistency, that the Commission had less than the best evidence with regard to the Nosenko testimony.

Did I understand you correctly during that response to my first question that that now should not occur again?

CARLUCCI: It should not. The Director of Central Intelligence has fundamental responsibility for debriefing -- the handling and debriefing of defectors. We do, of course, turn to the FBI for their protection. And where they might have counterintelligence information, information on activities of Americans, we would, of course, make them available to the FBI for debriefing.

REP. DODD: This has been alluded to in several of the questions from committee members here, and let me just ask it this way: As I understand it from what you're telling me, this would not necessarily require any kind of a triggering mechanism. In other words, in the past we've heard from a variety of the agencies from the intelligence community that unless you ask the right question, you don't get the right answer.

In this case here, it would not necessarily take the FBI to ask the Agency the right question; but, rather, once the Agency were aware that certain information belonged, properly, in the domain of the FBI, then that would occur. It would not take the Director to ask the Director of CIA for that information.

CARLUCCI: That would occur.

There are always judgments, because defecting is a traumatic experience, and newly-defected people are sometimes in an unstable condition. We have them examined by our psychiatrists and we have to make a judgment when they're ready for a community-wide briefing. But in my brief experience, that has only taken a matter of a week or two weeks, sometimes three weeks, until they're made available to the entire com-

munity.

Usually, the FBI is brought in at a very early point in time. Because of the importance of the -- and the perishability of the counterintelligence information they might bring, we do bring the FBI in early.

REP. DODD: Two more quick ones -- I've been watching those light bulbs down there, and that red seems to go on awfully quickly. And I'll try and finish up, if I can, Mr. Chairman.

The last part of this has to -- is a bit more specific and it has to do with Mr. Nosenko, specifically.

Mr. Hart testified that Mr. Nosenko's mind was, for a variety of reasons, not in good shape, his memory was questionable. It certainly led -- and I'll speak personally here -- led this member, anyway, to believe that there was some question as to the efficacy of Mr. Nosenko's testimony in a variety of different areas, or assistance to the Agency. And yet we have a situation today where he is on salary, apparently, or least on a fee basis of some kind or another with the Agency.

Are you and the Agency satisfied that Mr. Nosenko is worth the \$35,000-plus, whatever he receives as a salary, in his consultant basis, or whatever the relationship exists? Is he credible as an employee of the Agency?

CARLUCCI: Without prejudice to the salary -- and I don't remember how much we're paying him -- I think the answer to that is yes. He, obviously, has limitations, in terms of the kinds of information he can provide us with. His experience now is many years out of date. But he has been our highest-ranking KGB defector and he is able to convey to CIA employees a sense of the atmosphere that exists, some of the techniques that the KGB uses. And we find this valuable. He gives us the service that we request him to give.

This does not, obviously, does not mean that he's in a policymaking position in the Agency, or anything like that. He serves as a consultant.

REP. DODD: My last question for you is, on page 7 of your statement, the second paragraph, you say, "All of our people are instructed to be alert to assassination plots. Any CIA officer who learns of a planned assassination of a public figure would report it immediately," and so forth.

I presume you're familiar with the present statute having to do with assassination plots. And let me, as I understand the statute, explain it in layman's terms, without trying to recite this thing verbatim.

But as I understand it, if a person who assassinated -- and let's assume some facts -- assassinated a foreign leader, not in that particular leader's own country, we would have jurisdiction in this country to arrest and try that person, were that person, the alleged assassin, in this country. However, if that same person were to have assassinated a leader of a foreign country in his or her own country, then, under our present federal statutes, we have no jurisdiction to prosecute that individual.

Is that a fair synopsis of that statute?

CARLUCCI: Congressman Dodd, you're over my head. I...

REP. DODD: This is 181116.

[Asides]

REP. DODD: Or, if you want to speak to counsel.

CARLUCCI: Maybe I'd better consult our counsel here.

[Comments by newswoman]

REP. DODD: Do you have the right statute? I'm looking at 181116, "Murder or Manslaughter of Foreign Officials, Official Guests, or Internationally Protected Persons." And it starts out with Section A: "Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished," and so forth. And then it goes down and it defines an internationally protected person as the chief of state or a political equivalent, whenever such person is in a country other than his own, or her own. And then, going down to paragraph A, it says, "If the victim of an offense under Subsection A is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or alleged offender."

CARLUCCI: Yes. Could -- do you want to repeat your question?

REP. DODD: Well, my question is, if we -- do you think we ought to plug up this loophole? It seems to me that what we've got here is a situation where, in our federal courts, we could prosecute a person in this country, who was in this country, physically in this country, who had assassinated or attempted to assassinate a foreign dignitary, provided that that dignitary was not in his or her own country.

In other words -- in other words, if Fidel Castro were in London and he were assassinated, and the assassin were found

in New York, we could prosecute that person in New York. If Fidel Castro were assassinated in Havana, and that person came to this country, we'd have no jurisdiction over that person to prosecute them in the United States.

CARLUCCI: That would seem to be a question more appropriately directed toward the Department of Justice. But I would be glad to have our people examine it and submit something for the record, if I could. I would feel very hesitant in...

REP. DODD: I understand.

CARLUCCI: ...answering a legal question like that...

REP. DODD: I didn't expect you to have an answer off the top of your head. But would you take a look at that for me?

CARLUCCI: Yes, sir.

REP. DODD: And I realize it is something that the Justice Department ought to look at. But because it does involve internationally protected persons, it seems to me an area that probably the CIA would become involved in, to one extent or another. And I would appreciate an assessment of that statute, in terms of the possibility of a loophole.

I'm not stating this as a conclusion on my own, it just appears that way to me.

CARLUCCI: We'd be glad to examine it and submit something for the record.

REP. DODD: I thank you, Mr. Chairman, for the extra time.

REP. STOKES: ...The gentleman from North Carolina, Mr. Preyer.

REP. PREYER: Mr. Chairman, perhaps more in the nature of a comment, two comments.

One, on your statement that you've entered into an agreement with the Secret Service relating to procedures for transmitting information between your two agencies. I think that's a very forward step, and I would hope that the same thing could be done or that you'll think about doing it with the State Department and the FBI.

Going back to Mr. Fithian's rain-on-the-roof analogy, it does seem that it's a lot better to work these things out

when you aren't in a crisis atmosphere, that once something happens.

The other point that I was glad to hear about was your statement that the compartmentalization, in the interests of security, in the CIA has been, apparently, broken down to some extent. Excessive compartmentalization seemed to be one of the reasons we got into the Nosenko problem, where a small group holds that information closely. And also, when you have excessive compartmentalization, you can't do what Mr. Fauntroy was asking you about: use the task force approach, in which you can draw on all the different relevant pieces of expertise in your agency.

And so I think that's a very forward step, that you have broken that down.

Let me ask, in breaking it down, do you feel you have had to compromise security in any way?

CARLUCCI: Well, that's a difficult question to answer, Judge Preyer. It's a question of balancing equities. To the degree that you make information more available throughout the Agency, you do increase the risk of compromise. On the other hand, I feel very strongly, and I know the Director does, that we have an overall management responsibility, and that requires us to see that one part of the Agency is working in cooperation with another part of the Agency. And that means making information more readily available. It means setting up common systems.

We still have a number of different filing systems throughout the Agency. I think there are as many as 23 different systems that we have to search through for Freedom-of-Information-Act requests, for example. But there is, I think it's fair to say, a much broader exchange of information throughout the Agency, particularly at senior levels, than there ever has been in the history of the Agency. And the Director and I are working hard to see that that exchange is increasingly effective and increasingly translated into improved management.

REP. PREYER: I congratulate you on that.

Thank you, Mr. Chairman.

REP. STOKES: The gentleman from the District of Columbia, Mr. Fauntroy.

REP. FAUNTROY: I should just like now to solicit your response to two questions which we tendered earlier today to the FBI Director.

In 1964, the President created the Warren Commission to look into President Kennedy's assassination, and, in effect, it shifted the onus of decision-making in conducting the investigation from the Justice Department and from the FBI to the Commission. My question is: Do you think that a similar agency should be created in the future, a commission?

CARLUCCI: Well, I should think that would depend very much on the circumstances. If the assassin should survive, you would obviously have the question of protecting his interests in a trial. And I don't know how much a commission would prejudice his interests in a trial.

Should we have a situation such as existed after the assassination of President Kennedy, yes, my own view is that such a commission is in order. And I would certainly have no problems with the authority of the commission establishing the fact that it had -- that all agencies of government were to cooperate fully with it and to provide it with all necessary information. I think the matter is sufficiently important that it should be delved into by a group of impartial experts. Yes, sir.

REP. FAUNTROY: Let's take a look at another way of handling it. The President recently signed legislation authorizing the appointment of a special prosecutor in certain matters involving the integrity of the President and related officials. Should this type of legislation be extended at least to presidential assassinations, in your judgment?

CARLUCCI: Well, Congressman Fauntroy, I'm not a lawyer and haven't had much experience with special prosecutors. My own personal reaction, for what it's worth, is that the Warren Commission-type route is more appropriate. I think it gives you a broader setting, it gives you a little bit more flexibility in terms of what you can go into with the agencies. And I think you can enjoy a broad credibility.

I think we've had some success with special prosecutors, but I think that can be overdone.

REP. FAUNTROY: Thank you, Mr. Carlucci, and thank you, Mr. Chairman.

REP. STOKES: The gentleman from Indiana, Mr. Fithian.

REP. FITHIAN: Mr. Hart suggested that we not believe Nosenko, basically, with regard to the Oswald story. And particularly, I think he would say, if I can remember what he did say, that it was incredible and not true. He did not believe, as a CIA person, he did not believe that the KGB would not have interviewed Oswald.

Now, my question is simply this: As an official of the Agency, what do you recommend this committee do with regard to Nosenko's testimony? Should we believe it or should we not believe it?

And then, if you'd care to comment, if we should not believe that, which is, of course, what this committee is all about, then should we believe anything else he had to say?

CARLUCCI: I think, if I recall Mr. Hart's testimony, he made a distinction between his testimony on this particular aspect of his life in the Soviet Union and other matters on which Nosenko testified. He also indicated, if I recall correctly, that this wasn't a central feature of the interrogation process. In fact, the interrogation process was designed to expose him as a double agent, and people, at that point in time, at least, were not terribly concerned with the Oswald travels to the Soviet Union per se.

I think Mr. Hart also indicated that at the outset of the investigation there were certain translation problems, certain physical problems that Mr. Nosenko had. And that in light of all this, he would be inclined to discount the specifics of his testimony on Oswald.

I do not think that that calls into challenge the credibility of everything else Mr. Nosenko said. In fact, as Mr. Hart indicated, he did provide the Agency with some very valuable information, information that turned out to be correct.

Finally, as I indicated, his services to the Agency today are generally one of describing the atmosphere and general techniques that are used by the KGB, and do not get into specific questions.

REP. FITHIAN: Well, I'm troubled. I'm troubled a bit more by one part of that comment, I guess, than I was when I started out on this quest. Perhaps we see the whole issue of assassination of the President as somewhat more in a narrow focus, since that's the main purpose of this committee. But I would argue the case historically that when they were first interrogating Mr. Nosenko, at the very time that the Warren Commission was operating, and all, that the quest for all the facts surrounding the assassination of the President of the United States would have been extraordinarily important, and therefore could reasonably be expected, if the CIA is on the ball, to be a very, very important question as to whether or not this person, who has just been killed himself and who had previously been the chief suspect of having killed the President, that what he did or didn't do in Russia would be a terribly important thing to the CIA. And therefore I couldn't pass it off

as being not as important as some of the other things he's going to tell us, unless I am to agree that your process, your methods, your sources are more important than the assassination of the President of the United States.

CARLUCCI: Well, first of all...

REP. FITHIAN: That would bother me deeply if we were to close out the investigation on that note.

CARLUCCI: Mr. Fithian, if I may clarify. I think I was describing Mr. Hart's testimony to you, and I believe he was describing a factual situation. I was certainly not passing judgment or giving approval, in any sense, to the way Mr. Nosenko was interrogated or handled.

REP. FITHIAN: I wasn't really referring to the way he was handled, either, in terms of the treatment and all that. I was just trying to focus in on the importance to the country of the individual that the CIA had in its hands at the time.

CARLUCCI: Well, I would not disagree with you. I suppose if I had been making the interrogation and happened to have the expertise necessary to do that, I would have liked to be able to say that I put more emphasis on the Oswald question. But I think the facts of the matter are that those in charge of the interrogation at that time did not put that much emphasis on it.

REP. FITHIAN: One further quick question, Mr. Chairman, and then I'll subside.

What I'm trying to get at, then, is whether or not the philosophy of the CIA has changed, basically, from '64 to '78, and that is this: Is the protection of a source more important than in that case, and in future cases of any possible assassinations of the President, is it -- when it comes down to a real crunch, is it more important to protect that source than it is to cooperate with the Warren Commission, who's trying to get at the story of the killing of the President of the United States?

CARLUCCI: Well, I don't know that you can give a categorical example -- answer to the protection of sources. But let me indicate to you quite clearly that there have been instances where we picked up information on potential violence; and, in order to protect people, we have put a source in jeopardy.

You have to weigh the merits in every case. And in the case of the Warren Commission, I don't know that people were protecting sources. My understanding is that the information on Cuban activities was not provided, simply because people didn't make the linkage between the two. I don't know. I was not

around. But I don't know that it was done to protect sources.

Certainly, as I indicated to you earlier, we would make every effort to turn over all information to the Warren Commission.

In many cases, to conduct an investigation, you don't need to know the source if you have the information. That's one of the fundamental principles of intelligence, why we put out intelligence reports in such [technical difficulties] the information, yet withholding the source.

Where it became important for such a commission to know the source and were the source to be in a sensitive position, my judgment is that in all likelihood we would probably tell them, but request that the source be protected. They could then protect the source and base their judgments, with some confidence, on the information that they received from the source.

So the answer is, we would certainly be as forthcoming as possible, recognizing that in some instances you really may be putting people's lives in danger, and you have to make a judgment call in each one of these instances.

REP. FITHIAN: Thank you, Mr. Chairman.

REP. STOKES: The gentleman from Connecticut, Mr. Dodd.

REP. DODD: I'd like to follow up on that same line that Mr. Fithian raised. And without in any way at all encroaching upon what may be security matters, there was at the time of the assassination, and shortly thereafter, there was this photograph of an individual who was originally identified as Lee Harvey Oswald in Mexico. Subsequently, the identity of the individual turned out not to be Lee Harvey Oswald. But over the past 12 or 13 years, there's been all sorts of speculation as to who that individual was in Mexico at the time.

To your knowledge, has the agency ever been able to identify that individual?

CARLUCCI: No, sir.

REP. DODD: You haven't?

CARLUCCI: We have not.

REP. DODD: The reason I raise it, it falls into the same category as Mr. Fithian's question with regard, again, to the whole question of sources and information. And I think you adequately responded to this question, but I was curious as to that specific piece of evidence.

CARLUCCI: No, we have not been able to identify that person.

REP. DODD: Thank you.

REP. STOKES: Any other members seeking recognition? Okay.

Mr. Carlucci, on behalf of the committee, I want to express our appreciation for your appearance and your testimony here today. Also want to acknowledge the cooperation the committee's had from you and Admiral Turner and Scott Breckenridge and others, as we've had to negotiate many matters relative to access. So we've met many times, and we appreciate the cooperation we've gotten from you.

CARLUCCI: Thank you, Mr. Chairman.

REP. STOKES: Mr. Blakey says he hopes that it continues through the final report. [Laughter]